

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
v.) No. 3:21-CR-149
)
DARTAVIA DEVON SMITH-WILSON)

MEMORANDUM AND ORDER

The defendant is charged with three controlled substance offenses and one firearms offense. He has filed three suppression motions [docs. 35, 36, 37], to which the United States has responded in opposition [docs. 38, 41, 43].

United States Magistrate Judge Debra C. Poplin conducted an evidentiary hearing on April 20, 2022. Each party has filed a post-hearing brief. [Docs. 47, 48].

Now before the Court is the magistrate judge's June 24, 2022, Report and Recommendation ("R&R"), recommending that the defendant's first motion be denied as moot, and that his second and third motions be denied on their merits. [Doc. 53].

A district court is both statutorily and constitutionally required to conduct a *de novo* review of a magistrate judge's report and recommendation. *See United States v. Shami*, 754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review "those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). The district court need not provide *de novo* review where objections to a report and recommendation are frivolous, conclusive, or

general. *See Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

No objections have been filed to the present R&R, and the time for doing so has now passed. The undersigned has nonetheless thoroughly reviewed the R&R, the defendant's motions, the parties' briefing, and the hearing exhibits.

Finding itself in complete agreement with the magistrate judge, the Court **ADOPTS** the findings of fact and conclusions of law set out in the Report and Recommendation [doc. 53]. It is **ORDERED** that the defendant's first motion to suppress [doc. 35] is **DENIED AS MOOT**, and his second and third motions to suppress [docs. 36, 37] are **DENIED ON THEIR MERITS**.

This case remains set for trial on August 9, 2022.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge